

Members

Rep. Kathy Richardson, Chairperson
Rep. Robert Behning
Rep. John Bartlett
Rep. Phil GiaQuinta
Sen. Sue Landske
Sen. Randall Head
Sen. Timothy Lanane
Sen. James Arnold



CENSUS DATA ADVISORY COMMITTEE

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MEETING MINUTES¹

Meeting Date: August 16, 2012
Meeting Time: 1:30 P.M.
Meeting Place: State House, 200 W. Washington
St., Room 404
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Rep. Kathy Richardson, Chairperson; Rep. John Bartlett;
Rep. Phil GiaQuinta; Sen. Sue Landske; Sen. Randall Head;
Sen. James Arnold.

Members Absent: Rep. Robert Behning; Sen. Timothy Lanane.

(1) Call to Order. The Chair, Representative Richardson, called the meeting to order at approximately 1:42 p.m.

(2) Introduction of Members. Each of the Committee members and staff present introduced themselves.

(3) Issues for Discussion During Interim. The Chair reviewed some of the issues that the Committee would consider this Interim, including ballot security for absentee ballots, connection of the statewide voter registration list and files maintained by the Department of Revenue, and voter list maintenance and compliance with federal law.

1. These minutes, exhibits, and other materials referenced in the minutes can be viewed electronically at <http://www.in.gov/legislative> Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for hard copies.

Ballot Security

The Chair recognized representatives of the Association of Clerks of Circuit Courts of Indiana: Jo Ann Stewart, Wayne County Circuit Court Clerk and Secretary of the Association, and Beth White, Marion County Circuit Court Clerk.

Ms. White outlined her concerns with the recently enacted requirement that an absentee ballot application request the applicant provide the last four digits of the applicant's Social Security Number.² Ms. White suggested that requesting the absentee ballot applicant's Social Security Number would raise an additional barrier to voters who wished to vote by absentee ballot and result in disenfranchisement of some voters. She described some of the logistical concerns in complying with this requirement for the 2012 elections. Ms. White said that during the 2008 election, there were approximately 93,000 Marion County voters who cast a ballot before Election Day; of that number, more than 20,000 were cast in the four days immediately before Election Day. Ms. White also pointed out that disclosure of the last four digits of the voter's Social Security Number implicated privacy concerns for the voter, which in turn could make some voters reluctant to request an absentee ballot. Ms. White said that she thought the law in effect prior to the requirements imposed by the 2012 legislation adequately satisfied the need for ballot security. Ms. Stewart said she shared the concerns stated by Ms. White.

Senator Arnold asked whether the concern was specifically about provision of the last four digits of a Social Security Number or with providing any additional identification information. Ms. White responded that a natural alternative would be to request the voter to provide the voter's identification number currently associated with a voter. However, this alternative is not a good option, because the voter identification number is either: (1) the voter's driver's license or identification card number issued by the Bureau of Motor Vehicles (BMV); (2) the last four digits of the voter's Social Security Number; or (3) a number assigned to the voter by the statewide voter registration list.³ Ms. White said that many times a voter would not have committed a BMV-issued identification number to memory and probably has no knowledge of a number that might be issued by the statewide voter registration list.

In response to Senator Head's question whether providing the last four digits of a voter's Social Security Number really presents heightened security concerns for a voter because that information is not difficult to obtain because it is required under other circumstances, Ms. White reiterated her view that safeguards in existence before enactment of the 2012 requirement were sufficient.

Representative Bartlett asked Ms. Stewart about the use of vote centers in Wayne County during the pilot project and remarked that he was beginning to see the value of the concept.

In response to questions from Representative GiaQuinta, Ms. White described some of the safeguards for checking the validity of an absentee ballot application with an absentee ballot, including the comparison of the signature on the absentee ballot application with the signature on the absentee ballot envelope.

2. See IC 3-11-4-5.1 as amended by Senate Enrolled Act 175 of the 2012 Session, P.L.121-2012, SECTION 2.

3. See IC 3-7-13-13.

The Chair recognized Danielle Coulter, representing the Association of Indiana Counties (AIC). Ms. Coulter said AIC was concerned for the security of a voter's identity and privacy; she mentioned that it was not uncommon for recorders offices to get bulk requests for the last four digits of Social Security Numbers from documents filed in those offices. She also pointed out that there is not a single form for absentee ballot applications: in addition to the state forms, there are federal forms and forms put together by the political parties. Ms. Coulter said she was concerned whether all these different forms would contain the information required by Indiana law to be on absentee ballot forms to inform applicants that provision of the last four digits of the applicant's Social Security Number is voluntary. She said that she thought that the new requirement would cause more problems that it was designed to solve.

Representative Richardson described software and other problems relating to the implementation of the new requirements.

Senator Head stated that absentee ballot fraud is real and quoted from an article in the U.S. News and World Report describing such fraudulent activity in a recent election in New York State.

Voter List Maintenance

Representative Richardson introduced this topic noting that lawsuits had been filed against some counties alleging that those counties were not in compliance with federal law which requires voter registration lists to be maintained to be as up-to-date as possible. She said that some have advocated a statewide purge of the statewide voter registration list, while others believe that counties should be able to maintain their lists as well as they can.

The Chair recognized Peggy Mayfield, Circuit Court Clerk of Morgan County, to discuss the voter list maintenance process in her county. Ms. Mayfield noted that updating voter registration records is controlled by federal law to a great degree. She said that in a recent effort to update the records for Morgan County, 46,000 pieces of mail were sent to voters at a cost of more than \$38,000. These costs included \$26,000 for postage, \$10,000 for envelopes, \$500 for paper, and \$1,200 for toner. The effort required three weeks of envelope stuffing, assisted by additional temporary staff.

Of the mailing, 6,060 envelopes were returned as undeliverable. Under federal law, a second notice was required to be sent to the addressees of the returned mail. When these notices were also returned, they were scanned into the computerized system to document the county's procedures. Ms. Mayfield said that the names of the voters whose mailings were returned a second time cannot be purged this year; federal law would not permit those names to be purged until 2016.

The Chair recognized Julia Vaughn, policy director of Common Cause of Indiana. Ms. Vaughn said maintenance of accurate voter registration records is a state issue, not merely a local issue. It is an issue that many states, including Indiana, must face. Ms. Vaughn suggested that the Secretary of State should lead a statewide campaign to educate voters to be more aware to update their voter registration records when they change address or when other relevant life events occur. Ms. Vaughn advocated that money should be specifically appropriated in the next state budget so that the problem can be addressed at the statewide level. She said that state databases should be compared using various data matching protocols.

(4) Report from Office of Census Data. The Chair recognized Maureen Bard and Mark Stratton, Co-Directors of the Office of Census Data, to report about the activities of the Office.

Mr. Stratton described the work the Office has done during the past year, including work relating to redistricting and the recertification of precinct boundaries. Mr. Stratton reported that there are now 5,358 precincts in Indiana. He spoke about updating the elections database with the most recent election data. Mr. Stratton said that new boundaries of various geographic entities have been sent to and verified with the U.S. Census Bureau with appropriate corrections being made. He described various mapping projects the Office has been working on with caucus staff.

Mr. Stratton also spoke in some detail about the issue of the reallocation of prisoner populations for redistricting purposes which had been discussed at the recent meeting of the National Conference of State Legislatures in Chicago. Mr. Stratton said that representatives from the states of Maryland and New York had described the process in each of these states to attempt to allocate their prison populations to more appropriate locations; in New York, the process took more than one year and involved making many complicated decisions. In response to comments from Senator Arnold relating to issues of fairness when reallocating prisoner populations, Ms. Bard discussed some of the complexities involved and pointed out that allocation of prisoners was just an example of issues that are involved with counting individuals who live in what the Census Bureau refers to as "group quarters." Students who live on college campuses are another example of a population that live in group quarters.

(5) Testimony from Interested Persons. No other individuals asked to speak to the Committee.

(6) Other Committee Business. There was no other business to come before the Committee.

(7) Select Next Meeting Date. The Chair set the next meeting for Thursday, September 20 at 1:30 p.m. in Room 404.

(8) Adjournment. The Chair adjourned the meeting at approximately 2:43 p.m.